

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA

v.

Henry C. Albrecht Jr.

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)
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)

Case No. 5:23-MJ-117 (ML)

Defendant

CRIMINAL COMPLAINT

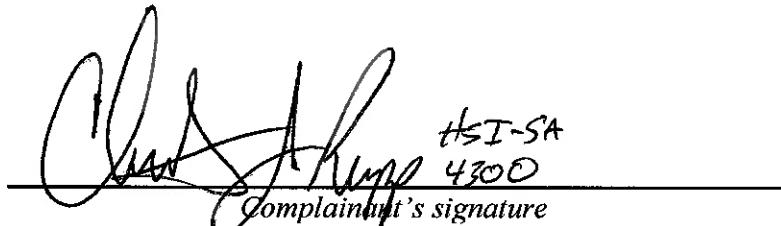
I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of March 1, 2023 in the county of Oneida in the Northern District of New York the defendant violated:

Code Section
18 U.S.C. § 2252A(a)(2)(A)
18 U.S.C. § 2252A(a)(5)(B)

Offense Description
Receipt of child pornography
Possession of child pornography

This criminal complaint is based on these facts:
See attached affidavit

Continued on the attached sheet.



Christopher Rupp HSI-SA

Christopher Rupp 4300

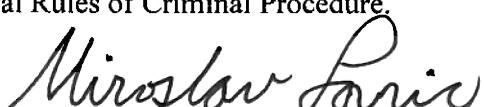
Christopher Rupp Complaint's signature

Christopher Rupp Christopher Rupp, HSI Special Agent

Christopher Rupp Printed name and title

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: March 1, 2023



Miroslav Lovric Judge's signature

Miroslav Lovric Hon. Miroslav Lovric, U.S. Magistrate Judge

Miroslav Lovric Printed name and title

City and State: Binghamton, NY

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Christopher Rupp, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent employed by the Department of Homeland Security, Homeland Security Investigations (“HSI”). As such, I am an “investigative or law enforcement officer” of the United States empowered by law to conduct investigations and to make arrests for offenses enumerated in Title 18, United States Code, Chapter 63. I have been a Special Agent with HSI since October of 2018. I am currently assigned to the HSI, Resident Agent Office, Alexandria Bay, New York where I investigate federal criminal violations. I have participated in investigations of people suspected of violating federal child pornography laws, including Title 18, United States Code, Section 2252A. I have received training in child sexual exploitation investigations and have had the opportunity to observe and review examples of child pornography in all forms of media including computers and cell phones.

2. I have been investigating Henry C. Albrecht, Jr. (the “defendant”) for violating 18 U.S.C. § 2252A(a)(2)(A) (receipt of child pornography) and (a)(5)(B) (possession of child pornography) (collectively, the “Subject Offenses”). I submit this affidavit in support of a criminal complaint charging the defendant with the Subject Offenses.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is probable cause to believe that the defendant has committed the Subject Offenses and does not set forth everything I know about this investigation.

PROBABLE CAUSE

4. HSI received information during an investigation of a third-party that the defendant was likely receiving child pornography via a social media messaging application. I applied for and obtained a federal search warrant for the defendant's residence, person, and vehicle, as well as electronic devices found therein and thereon, to search for evidence of the Subject Offenses.

5. On March 1, 2023, I participated in the execution of that warrant.

6. During the search of the authorized locations, investigators recovered, among other things, the defendant's Motorola Edge cellular telephone and the defendant's HP Pavilion laptop computer. A forensic preview of both the Motorola Edge cellular telephone and the HP Pavilion laptop disclosed the existence of child sexual abuse material on both devices. Three of the images found on the Motorola Edge cellular telephone are described below:

- a. Image file name 408.jpg shows an adult male penis being placed on the anus of an infant child. The male infant child is laying naked on his back with his legs up in the air. There appears to male ejaculate near the infant's scrotum. The focus of the picture is the adult male penis and genitals of the infant.
- b. Image file 1000000210.jpg shows three minor adolescent males unclothed on a bed performing sex acts one each other and one adolescent male performing oral sex on an adult male. One minor male is touching another minor male's penis who is laying down. Another minor male is straddling the minor who is laying down. The male who is straddling is also performing oral sex on an adult male who is naked. The video has an embedded date stamp of 1/4/1994.
- c. Image file 512mov_embedded_1.jpg shows a toddler clothed with a gray shirt holding a male penis with both hands. The image of the male is from the waist

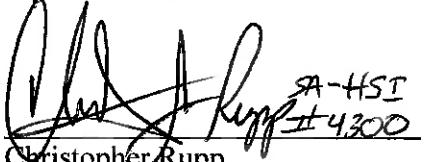
down and the male is in a sitting position on a chair. The toddler has both hands on the male's penis and his mouth is approximately 3 inches away from the tip of the penis.

7. The defendant was interviewed after being provided *Miranda* warnings and gave a written statement. The interview was recorded. The defendant admitted during the interview that he received child pornography files via an online social media messaging application, which resulted in the child pornography being downloaded to both his cellular telephone and his laptop computer. Additionally, the defendant admitted that he saved downloaded images on thumb drives so he could keep those files and make additional room on his computer. Furthermore, the defendant admitted that he received child pornography files from another person who brought the files over to the defendant's home on a data storage device. In my training and experience, I know that the social media messaging application used by the defendant to receive child pornography operates in interstate commerce on either a cellular network or internet connection.

CONCLUSION

8. Based on the information above, there is probable cause to believe that the defendant has violated 18 U.S.C. § 2252A(a)(2)(A) and (a)(5)(b).

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.



SA-HSI
Christopher Rupp
Special Agent
Homeland Security Investigations

I, the Honorable Miroslav Lovric, United States Magistrate Judge, hereby acknowledge that this affidavit was attested to by the applicant by telephone on March 1, 2023, in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.



Miroslav Lovric
U.S. Magistrate Judge